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EPA Mid-Atlantic Region Headlines

Thursday, August 13, 2015

*** DAILY HOT LIST ***

DEP's new oil and gas rules irk both environmentalists and industry

STATE IMPACT PENNSYLVANIA State environmental regulators are asking for comments on the final version of new oil and gas rules. The Pennsylvania Department of Environmental Protection released detailed updates to its oil and gas rules Wednesday. The proposals result from a four-year process that garnered nearly 30,000 public comments to DEP. Still, this latest version is getting push back from both industry and environmentalists. In a call with reporters, DEP Secretary John Quigley called the announcement a “great step forward in responsible drilling in Pennsylvania.” “DEP’s definition of responsible drilling is protecting public health and the environment while enabling drilling to proceed,” said Quigley. Although the release of the draft rules marks the final leg of a long process that began as a result of the passage of the state’s drilling law [Act 13 in 2012](#), Quigley says there’s more to come. “This is not the end of the process,” he said. “There is more study needed on additional measures, and there will be. The proposed rules include everything from what defines a public playground to how drillers store their waste water. Previous proposals included new regulations on noise. But the DEP has punted on that issue for now, saying more scientific study is needed. The DEP also affirmed their authority to deny drilling permits if the agency decides it would pose too much of a risk to water supplies... When it comes to the controversial issue of waste, fracking waste water pits will be banned near well sites. Instead of on-site waste storage, drillers would have to use centralized impoundments that require thicker lining. Operators could continue to use above-ground waste water storage tanks, phasing them out over three years, or seek a new residual waste permit. DEP Deputy Secretary for oil and gas management, Scott Perry, said the agency is evaluating whether to ban open storage tanks.

Blog: Bowser Announces Wind-Power Deal, Rebranding of DDOE

WASHINGTON CITY PAPER A light breeze and sunny sky offered a fitting backdrop to the roof of the Frank D. Reeves Municipal Center Wednesday morning, where Mayor Muriel

Bowser made public a deal between the District and energy company Iberdrola Renewables, the biggest U.S. municipal agreement of its kind. For the next 20 years, Iberdrola will supply 35 percent of the D.C. government's electricity with power generated at the company's wind farm in Fayette County, Pa. The agreement is expected to save taxpayers \$40 million over that period, and remove approximately 100,000 tons of carbon pollution from the air. That's the equivalent of taking 18,000 cars off the road every year, the mayor said. The District aims to cut greenhouse-gas emissions by 50 percent by 2032, she added. "D.C. doesn't deny the facts or science," Bowser said. "We know that climate change is real, and we know that climate change is now... We want to show the rest of the country what's possible." The agreement was brokered by the District Department of General Services, which manages the city's portfolio of government buildings, including public schools, agency offices, and recreation centers, among others. Mark Chambers, associate director of sustainability and energy at DGS, said all that property amounts to roughly 30 million square feet of space. He added that the city received more than 30 project-proposals as part of a larger effort to buy efficient energy supply.

Wind energy is flowing into DC, but don't expect your bill to decrease

WASHINGTON POST District officials announced Wednesday that the city is now receiving enough electricity from wind power to meet one-third of the local government's electricity needs under a deal that took effect Aug. 1. The deal, with the Spanish energy company Iberdrola Renewables, supplies city facilities with 125,000 megawatt hours of electricity annually from a wind farm in Pennsylvania, officials said. Although officials said the power surge promises to save the city government as much as \$45 million on its electric bills over the next 20 years, they also said it will have no impact on residential customers' monthly utility bills. The power flows only to government facilities, unlike in some other towns and cities across the country, where local utilities are advancing opportunities for private properties to go green. "I don't think there is any impact on individual electricity bills," D.C. Mayor Muriel E. Bowser (D) said Wednesday at a news conference promoting the deal. Nor will the agreement create much in the way of District jobs, because the Iberdrola wind farm is elsewhere. But, Bowser said, the energy agreement "reduces our carbon footprint by removing roughly 100 tons of carbon pollution. And that is 17 percent of our total government emissions — the equivalent of taking 125,000 cars off the road." The deal with Iberdrola, which city officials said represents the largest power-purchase agreement that a single American city has undertaken, will allow the District to purchase all of the wind energy produced by Iberdrola's wind farm at a fixed rate through 2036... On Wednesday, Tommy Wells, director of the newly renamed Department of Energy and the Environment, said the city was on track to outfit 130 low-income homes with solar panels by the end of September.

Judge rules against Fola on mining pollution

CHARLESTON GAZETTE-MAIL In a new ruling that found water pollution violations at two West Virginia permits, a federal judge on Wednesday cited what he described as "myriad lines of evidence" that mountaintop removal coal mining damages water quality and aquatic life in Appalachian streams. U.S. District Judge Robert C. Chambers ruled for the Ohio Valley Environmental Coalition and other groups in case brought over conductivity pollution at Fola

Coal mining permits in Clay and Nicholas counties. The judge found that Fola, a CONSOL Energy subsidiary, was liable for damage to streams at two of the three permits that were named in the suit. In a [60-page ruling](#), Chambers detailed a long list of peer-reviewed studies that link pollution discharges from large-scale strip-mining operations to damage to aquatic life in downstream waterways, and noted a "complete absence of peer-reviewed scientific articles to the contrary." "The scientific community repeatedly reaches and reports the same conclusion despite the use of multiple methodologies relying on a variety of datasets and conducted by a range of expert scientists," the judge wrote. "The link between surface mining and biological impairment of downstream waters has been sufficiently -- if not definitively -- established in the scientific literature," Chambers wrote. "Through myriad lines of evidence, researchers have reached the same general causation conclusion, without a single peer-reviewed publication reporting contrary findings."

Editorial: Chemical spill clean-up offers “flushing” lessons

CHARLESTON GAZETTE-MAIL Long after the smell of licorice dissipated from last year’s Elk River chemical spill, the incident is providing valuable lessons for researchers studying how best to recover from such events. A recent study points to the Kanawha Valley incident as an indication that there’s much to learn about the best way to respond to water contamination in household plumbing. “In light of recent large-scale drinking water contamination incidents as well as economic, social, and public health impacts they caused, additional research on premise plumbing decontamination is very much needed,” said the study, which was reported on by the Gazette-Mail’s Ken Ward Jr. After the do-not-use order was lifted here, residents were told to “flush” their water systems before resuming use. The recommendation: run hot faucets for 15 minutes and cold faucets for five minutes. No instructions were given regarding ventilation during the flushing process. Many residents reported a strong licorice smell as they ran their faucets, and some suffered adverse health effects from the fumes. The study found a wide disparity in approaches to flushing after water-contamination incidents around the world, with little hard data underpinning any approach. Because so little is known about optimal flushing methods, the study recommended that flushing “be conducted liberally where multiple cycles of flushing are carried out rather than a single flushing event.” The Kanawha Valley’s experience is both a wake-up call to water experts that more research on water decontamination is needed, and a useful data point for that research. Nobody wants to be a “test case” for studies on environmental disasters. But inevitably, some communities will find themselves in that position. That’s where we found ourselves last January. The chemical spill was a traumatic event for our area, and its repercussions are still being felt. Apparently, one small positive point coming out of the disaster is a better understanding of how best to handle water contamination in homes and businesses — plus a call for further research. It’s sadly inevitable that elsewhere in the world, similar events will happen again. Here’s hoping our experience will help officials be better informed in helping people cope.

EPA administrator visits Colorado spill site

WASHINGTON POST WASHINGTON — The head of the Environmental Protection Agency toured the sludge-coated banks of Colorado’s Animas River on Wednesday, as the Obama administration sought to limit the environmental and political damage from last week’s 3-million gallon toxic waste spill — one caused in part by the agency’s own contractors. EPA

Administrator Gina McCarthy ordered a temporary halt to the agency's cleanup at the Gold King mine and several similar sites after traveling to the region to pledge a thorough investigation into an accident she has called "tragic and unfortunate." "It is a heartbreaking situation," Ms. McCarthy said at a news conference in Durango, Colo., about 48 miles downstream from the site of the Aug. 5 spill. "We are going to be transparent and collaborative in making sure people have the information they need." The regulatory agency has been criticized for its response to the spill, which began as crews were investigating leaks from a toxic waste pond in the inactive gold mine north of Durango. An earthen barrier gave way, sending toxic wastewater into the Animas, turning the river bright orange-yellow for miles. Ms. McCarthy met with Colorado's Democratic Gov. John Hickenlooper and Sen. Michael Bennet, D-Colo., to coordinate responses to the spill. "The good news," she said, "is the river seems to be restoring itself." The EPA confirmed in a statement that new water-quality tests showed contaminant levels in the Animas near Durango had subsided to "pre-event conditions."

AIR POLLUTION: 17 states launch legal assault against startup-shutdown rule

GREENWIRE Seventeen states are challenging U.S. EPA's recent rule that changed the way states are required to address excess air pollution that occurs during plant startups and shutdowns or industrial equipment malfunctions. In a petition for review, the states argue that EPA "erroneously concluded" that their plans to reduce pollution were "inadequate" to address emissions that occur during those times. Led by Florida, the states filed the petition yesterday in the U.S. Court of Appeals for the District of Columbia Circuit. "We will not step aside while the EPA, through heavy-handed federal overreach, threatens to upend a system that the EPA has approved multiple times and has provided a consistent, reliable framework to safely provide electricity to millions of Floridians across the state," Florida Attorney General Pam Bondi said in a statement. "Furthermore, the agency's action could result in higher utility bills for Florida consumers." EPA's final rule published in June rescinded long-standing state provisions known as "affirmative defense" that shield industrial facilities from civil penalties for violations of National Ambient Air Quality Standards that occur during startups, shutdowns and malfunctions. The final rule also found that states cannot automatically exempt facilities from emission limits during those times. EPA required that 36 states reopen Clean Air Act state implementation plans, or SIPs, and revise them within 18 months to comply with the changes. The rule arose out of a petition by the Sierra Club, which has long argued that affirmative defense and exemptions during "SSM" events constitute a loophole that allows facilities to release emissions in excess of permit limits. EPA has said the decision to eliminate affirmative defense from state plans was also in response to a ruling last year by the D.C. Circuit that found the agency lacked authority to grant cement kilns an affirmative defense for pollution violations occurring during malfunctions.

Army Corps, Riverlife turn attention to banks of the Ohio River

PITTSBURGH POST-GAZETTE The U.S. Army Corps of Engineers and the nonprofit Riverlife have teamed up for a 12-18 month study to identify the best sites for riverbank

remediation along the Ohio from the Carnegie Science Center to the West End Bridge. The \$258,000 study, at shared cost, will lead to a plan for funding one or multiple projects where the most environmental good could be done. “The most bang for the buck,” said Jay Sukernek, acting director of Riverlife. “We want this project to go beyond environmental remediation, to improve the environment.” Corps engineers and scientists will test soils, survey real estate, measure slope gradients, chart stormwater flow patterns, research what’s underground where — from old pipes to natural streams — and study the potential of wildlife diversity. On a walk along the river on Wednesday, Corps and Riverlife representatives followed the paved walkway that abuts the river to just beyond Heinz Field, where they ascended steps to a trail. A swath of native and invasive plants separate the trail from the river. That overgrowth could be replaced with native plants and landscape features that would lead to better water quality, divert stormwater from the river and create a healthier wildlife habitat and access points for science education, Mr. Sukernek said. Possibilities could include terracing the land and creating shallows near the shore to attract water birds and aquatic species, said Tom Maier, fish and wildlife biologist for the Corps. Science education would be “a wonderful consequence of ecosystem restorations,” said Col. Bernard Lindstrom, the Corps’ district commander. He said the study also could point to “great opportunities to reclaim the riverbank” for stormwater control. Tapping a sign that warns of possible sewer overflows into the river, Mr. Lindstrom said, “We want to get rid of this.”

PENNSYLVANIA

PHILADELPHIA INQUIRER

Commentary: Heed pope on climate change? These are challenging times for some faithful Catholics such as I. While I have utmost respect and love for our popular, approachable pontiff, I believe he has been sadly misinformed about climate change, as evidenced in his encyclical on the environment released in June. Pope Francis is not a scientist. I do not blame him for the work's inaccuracies. Rather, I blame the Pontifical Academy of Sciences, the office responsible for advising the pope on scientific issues. The encyclical states, "On many concrete questions, the Church has no reason to offer a definitive opinion; she knows that honest debate must be encouraged among experts, while respecting divergent views." In stark contrast to this statement, only one scientist who does not accept the theory that climate change is caused by human activity was accepted to attend the Vatican seminar on climate change.

Blog: Combating food waste globally, nationally, and in Philadelphia In June, Tesco, the largest chain of grocery stores in the United Kingdom, announced it would donate all of its unsold food to charity in an effort to reduce waste. In a statistical analysis of its own practices, the company revealed that it threw away 55,400 tons of food in the past 12 months, 30,000 tons of which was completely edible. Tesco will now be donating its unspoiled food to women’s refuges, homeless shelters, and breakfast kitchens for disadvantaged children... Here in Philadelphia, Brown’s Super Stores, which operates 10 ShopRite supermarkets in the area, began a food-recycling

program in 2012. In the first year of the program, which still operates today, Brown's ShopRites composted 780 tons of food, and 180 tons of unspoiled food was sent to local banks and charities such as Philabundance, a local organization that has been around since 1984 and provides food to 75,000 people each week. The beauty of these food-waste-reduction programs is that they kill two birds with one stone — they reduce environmental damage and they combat hunger. Tesco is the first supermarket in Britain to address this problem, but they are just the latest member to join a global movement toward reducing food waste. Just one month prior, the French National Assembly unanimously passed legislation to cut down France's food waste — about 10 million tons per year — by banning supermarkets from throwing away unused, unspoiled food.

Doorknob germs can infect half the office in hours Washing your hands helps to keep you and your officemates healthy. Viruses: they're too tiny for us to see, yet they're lurking everywhere. And guess what? They spread really fast through an office environment. "Most people don't realize they easily spread by your hands," said University of Arizona microbiologist Charles Gerba. Most people think that viruses spread by inhaling sick people's coughs or sneezes, but "it's really when those droplets settle out and you touch that surface" that tiny viruses spread, he said. People unknowingly bring their virus-covered fingers to their noses, mouths, or eyes, kicking off infection. It doesn't take much for a virus to start spreading like wildfire. In his research, Gerba has found that germs on just one doorknob can help spread a virus, like the noroviruses that cause stomach flu, throughout an office building in just a few hours! "We found out that within four hours, over half the commonly touched surfaces had the virus on it, and half the people in the office building had the virus on their hands," said Gerba. Researchers purposely put samples of a harmless virus on one or two office surfaces like doorknobs and tabletops, and then a few hours later, they tested different objects in the building, like cell phones, computers, and desks. They found that the virus had traveled — and had been picked up by 40 to 60 percent of people in the building.

PHILLY VOICE.COM

Move to lift oil export ban spooks Philadelphia-area refineries Congress debates lifting ban on crude oil exports in place since the '70s. A debate in Congress on whether to lift a decades-old ban on crude oil exports is sending jitters through the ranks of Philadelphia-area refineries, one of the major remaining sources of local industrial jobs. The crude export ban was put in place in the 1970s when America was reeling from the OPEC energy crisis. In May, two senators from oil-rich states — Heidi Heitkamp of North Dakota and Lisa Murkowski of Alaska — introduced legislation to lift the ban, and the Wall Street Journal reports that the House could vote as early as September. Philadelphia Energy Solutions, which owns a complex in South Philly that is the largest crude oil refinery on the East Coast, has delayed plans for an initial public offering originally scheduled for last week, Philly.com reported. CEO Philip Rinaldi, pictured left, said the delay was due to "unfavorable market conditions." The company declined PhillyVoice's request to comment on the IPO so it is unclear if the debates in Congress influenced the decision. The company has urged Congress to maintain the ban, however. Allowing exports would be akin to "hanging these refiners on the East Coast out to dry," said Jay Hauck, executive director of the CRUDE Coalition. CRUDE, which stands for Consumers and Refiners United for Domestic Energy, represents groups including Philadelphia Energy Solutions, PBF Energy (which has

refineries in Delaware and New Jersey) and Monroe Energy (which has a refinery in Delaware County).

PITTSBURGH POST-GAZETTE

Army Corps, Riverlife turn attention to banks of the Ohio River The U.S. Army Corps of Engineers and the nonprofit Riverlife have teamed up for a 12-18 month study to identify the best sites for riverbank remediation along the Ohio from the Carnegie Science Center to the West End Bridge. The \$258,000 study, at shared cost, will lead to a plan for funding one or multiple projects where the most environmental good could be done. “The most bang for the buck,” said Jay Sukernek, acting director of Riverlife. “We want this project to go beyond environmental remediation, to improve the environment.” Corps engineers and scientists will test soils, survey real estate, measure slope gradients, chart stormwater flow patterns, research what’s underground where — from old pipes to natural streams — and study the potential of wildlife diversity. On a walk along the river on Wednesday, Corps and Riverlife representatives followed the paved walkway that abuts the river to just beyond Heinz Field, where they ascended steps to a trail. A swath of native and invasive plants separate the trail from the river. That overgrowth could be replaced with native plants and landscape features that would lead to better water quality, divert stormwater from the river and create a healthier wildlife habitat and access points for science education, Mr. Sukernek said. Possibilities could include terracing the land and creating shallows near the shore to attract water birds and aquatic species, said Tom Maier, fish and wildlife biologist for the Corps. Science education would be “a wonderful consequence of ecosystem restorations,” said Col. Bernard Lindstrom, the Corps’ district commander. He said the study also could point to “great opportunities to reclaim the riverbank” for stormwater control. Tapping a sign that warns of possible sewer overflows into the river, Mr. Lindstrom said, “We want to get rid of this.”

Pennsylvania regulators drop noise regulations from new drilling rules The Pennsylvania Department of Environmental Protection is dropping plans to regulate the noise from shale gas drilling operations — at least for now. Citing the “complex nature” of technical issues involving noise migration, the DEP decided to develop a guidance document rather than a rule for minimizing the din of drilling and fracking reaching neighbors during well development. The rule would have been part of the final draft of a comprehensive revision of its oil and gas rules slated to take effect next spring. The agency is moving forward with most of its proposed wide-ranging updates to requirements for above-ground oil and gas operations, including requiring companies to either close or upgrade and re-permit large centralized wastewater storage ponds. Those have been implicated in soil and water contamination cases in the state in recent years. Among other changes in the final draft of the rules, the DEP dropped a section on centralized tanks that shale operators use to hold wastewater until it can be treated and reused, electing instead to regulate those tanks and all off-site wastewater management practices under existing state residual waste rules. Scott Perry, the DEP’s deputy secretary for oil and gas management, said during a conference call to announce the final draft on Wednesday that most of the new changes were made only for clarification. The agency had retained nearly all of the significant policy changes it made this spring after considering public comments on a first draft, he said. The partnership between a federal agency and a nonprofit is “fairly significant,” he said, citing one other, the Nine Mile Run Watershed Association that led the restoration of the visible portion of Nine Mile Run in 2006. It was the largest urban stream restoration in the country at

the time, but the stream is mostly culverted and thus still vulnerable to pollutants from sewer and water backups in heavy storms.

STATE IMPACT PENNSYLVANIA

DEP's new oil and gas rules irk both environmentalists and industry State environmental regulators are asking for comments on the final version of new oil and gas rules. The Pennsylvania Department of Environmental Protection released detailed updates to its oil and gas rules Wednesday. The proposals result from a four-year process that garnered nearly 30,000 public comments to DEP. Still, this latest version is getting push back from both industry and environmentalists. In a call with reporters, DEP Secretary John Quigley called the announcement a “great step forward in responsible drilling in Pennsylvania.” “DEP’s definition of responsible drilling is protecting public health and the environment while enabling drilling to proceed,” said Quigley. Although the release of the draft rules marks the final leg of a long process that began as a result of the passage of the state’s drilling law Act 13 in 2012, Quigley says there’s more to come. “This is not the end of the process,” he said. “There is more study needed on additional measures, and there will be. The proposed rules include everything from what defines a public playground to how drillers store their waste water. Previous proposals included new regulations on noise. But the DEP has punted on that issue for now, saying more scientific study is needed. The DEP also affirmed their authority to deny drilling permits if the agency decides it would pose too much of a risk to water supplies. more rule making in a separate process to ensure responsible drilling and protection of communities, public health and the environment.” When it comes to the controversial issue of waste, fracking waste water pits will be banned near well sites. Instead of on-site waste storage, drillers would have to use centralized impoundments that require thicker lining. Operators could continue to use above-ground waste water storage tanks, phasing them out over three years, or seek a new residual waste permit. DEP Deputy Secretary for oil and gas management, Scott Perry, said the agency is evaluating whether to ban open storage tanks.

Sunoco launches eminent domain proceedings for Mariner East 2 pipeline As Sunoco Logistics steps up efforts to create a pathway for its Mariner East 2 natural gas liquids pipeline across southern Pennsylvania, some landowners are resisting the company’s moves to build the pipeline across their properties. Residents in at least eight counties are rejecting the company’s offers of cash compensation as too low or unacceptable at any level, and say they will go to court to challenge any assertion of eminent domain that the company makes in an attempt to force its way across private land. Landowners contacted by StateImpact Pennsylvania accuse Sunoco of making low-ball compensation offers; proposing to locate the \$2.5 billion pipeline in places where it could endanger water sources or buildings in the event of a leak or explosion, and of failing to state its plans clearly. Some who have rejected cash compensation have been served with documents that initiate an eminent domain action in court. The confrontations may represent just the beginning of a process that will pit local communities against energy companies that are sharply expanding Pennsylvania’s pipeline infrastructure in order to ship the abundant resources of the Marcellus Shale to domestic and international markets. The state could see as many as 30,000 additional miles of new pipeline built in the next 20 years, Department of Environmental Protection Secretary John Quigley said at the first meeting of a statewide task force on pipelines in July. Meanwhile, Philadelphia-based Sunoco said it is committed to dealing “fairly” with landowners along the 350-mile route from Ohio and West Virginia to Marcus

Hook, a suburban Philadelphia town on the Delaware River. The company argues that it has the authority as a "public utility corporation" – a status that is disputed by opponents – to seize people's land under eminent domain but will only do so as a last resort.

LAW 360

3rd Circ. Sides With EPA On Pa. Air Quality Plan Approval (August 12, 2015, 2:59 PM ET) -- The Third Circuit declined a Pennsylvania county's challenge of the U.S. Environmental Protection Agency's approval of a local lead monitoring site's relocation under the state National Ambient Air Quality Standards plan, saying Tuesday that the agency properly used its regulating authority. Berks County's government had asked the appeals court to review the EPA's approval of Pennsylvania's revision of the 2008 NAAQS, over dissatisfaction with the new location of an area lead monitor. The panel ruled Tuesday that the federal agency properly considered the county's concerns and... *(subscription required)*

ERIE TIMES NEWS

Presque Isle day campers learn about the environment ERIE, Pa. -- A program at Presque Isle State Park this week is introducing students to the park, to the environment and to community service. Nine area students, ages 10 to 13, are in the midst of Environment Erie's weeklong Summer Field Studies Program. They've taken bike rides and canoe trips. Still ahead are hikes and fishing derbies. On Wednesday, the kids used a net, called a seine, to collect small fish for study. "I love the fact that we're learning about the environment," said Trinity Anderson, 13, of Erie, who helped pull the net through the shallow water on the north side of Misery Bay. But instead of sitting in a classroom, we're interacting with nature." Program organizer Nate Millet said the activity taught the students how to identify different Lake Erie fish species, and to learn a basic scientific research technique for collecting fish and other aquatic life. There is also a social aspect for the students, most of whom didn't know each other before Monday. "There's also a bonding experience," said Millet, the education manager for Environment Erie. "You can see friendships build" during the course of the camp, he said. This is the first year the program is organized by Environment Erie. In the past, it has been coordinated by Pennsylvania Sea Grant and Penn State Behrend's College for Kids. The camp concludes Friday with a beach cleanup. Camper Calla Siegrist, 10, of Harborcreek Township, is looking forward to that. "I like this program because it lets you be outdoors, and you know you're helping the environment," she said.

Millcreek supervisors won't fight beekeeping decision ERIE, Pa. -- Beehives in a residential neighborhood aren't much different from vegetable gardens. The Millcreek Township Zoning Hearing Board, in a written decision released Tuesday, cited that and other reasons for allowing beehives in a residential zoning case that it decided July 29 without comment. The three-member zoning board ruled in the case of Ewa Misevski, 49, and her husband, Christopher Misevski, 55, and their friend, Pete Iole, 54. They prevailed in their appeal of a township government claim that beekeeping is an agricultural activity prohibited in residential neighborhoods. Iole, an Erie resident, is a beekeeper who maintains his three beehives in the Misevskis' backyard at 5060 Dorchester Drive. Now that the three-page ruling is out, any parties with a stake in the case can appeal to Erie County Court. Millcreek supervisors aren't expected to appeal the ruling and instead will seek to place restrictions on beehives in residential areas. "My sense is that there's not going to be an appeal. Rather, there's going to be a look at the ordinance itself, and if it's

going to be permitted, then I think possibly we might have to put some type of safeguards or restrictions in the zoning ordinance," Supervisor Richard Figaski said. Supervisors John Groh and Brian McGrath agreed, saying they don't believe the township should appeal. "I think it would be in our best interest to amend our zoning ordinance to put some supplemental standards in," Groh said. Those restrictions, for example, could include setting a minimum required distance from a neighboring property line and limiting the number of beehives on a property, Groh said. The supervisors said they are getting advice from professionals in the beekeeping field, and checking zoning restrictions with other municipalities in Pennsylvania that allow beehives.

HARRISBURG PATRIOT NEWS

5 important facts about new DEP oil and gas regulations New state regulations on oil and gas sites are nearing the home stretch of the rulemaking process. The latest version of changes to Chapter 78, which regulates how oil and natural gas companies should behave both at traditional well sites and shale gas sites, were unveiled Wednesday by Department of Environmental Protection Secretary John Quigley and Deputy Secretary Scott Perry. Here are five important facts about the proposed rules:

- If drillers contaminate a water supply, they must restore it to its conditions before drilling or to standards that meet the state's Safe Drinking Water Act, whichever is better. In earlier versions, drillers only had to restore water to pre-drilling conditions.
- The new version does not include regulations for noise on well sites. Though state law requires the DEP to regulate public nuisances, "it was clear based on the comments we received that the noise regulation at this point in time was premature," Perry said Wednesday. Instead, the department will publish a non-binding guidance document on best practices to reduce noise, he said.
- Gas companies must close pits where they store waste within three years of the final regulations or obtain a permit through the department's waste division.
- If the well site lies within 100 feet of a state-designated "high quality" or "exceptional value" water body or wetland, the gas company must demonstrate how their operations will protect those bodies of water.
- The department added schools and playgrounds to the list of "public resources" in the 200-foot radius the DEP must consider when issuing a well permit. Drillers can still put a well within 200 feet of a school or playground, but the DEP must consider them and other public goods like state lands, historical sites, scenic rivers or landmarks. Drilling operations cannot impede people's use of these resources.

The updated regulations span 291 pages and are available on the home page of the DEP website by clicking the "Oil and Gas Rulemaking" button. The process that led to these "draft final" rules began in 2011. Since then, they have gone through multiple reviews by the DEP's advisory groups and several public comment periods. About 24,500 public comments were submitted to the department, which held 12 public hearings across the state, Quigley said. Quigley argued these rules fit the DEP's definition of responsible drilling: "Protecting public health and the environment while enabling drilling to proceed." The DEP plans to bring these rules before two advisory boards and the Environmental Quality Board before the end of 2015, Quigley said. The state Independent Regulatory Review Commission will have the rules by March 2016, he said. They will be published as final rules by the second quarter of 2016.

Silver Spring Township supervisors to discuss bridge replacement, land conservation easements
The Silver Spring Township Board of Supervisors will consider a proposal for the replacement of a bridge on Beechcliff Drive during a public meeting at 6:30 p.m. today at the administration building, 8 Flowers Drive. The agenda also includes votes to purchase conservation easements for five properties in the township, and to extend a contract with the township's solid waste and recycling collection provider. The complete agenda is available on the township [website](#).

WASHINGTON OBSERVER-REPORTER

DEP releases final draft rules on Marcellus drilling The state Department of Environmental Protection removed rules for noise mitigation and oversight of centralized wastewater storage tanks in its latest and final draft of changes to its oil and natural gas drilling regulations. Those decisions were reached because the DEP determined noise mitigation needs to have a separate process for setting rules, and the tanks will continue to be monitored under its residual waste regulations, the department said Wednesday. The plan to amend the regulations began in 2011 to better protect water resources and public health and safety, and to address landowner concerns at Marcellus Shale drilling operations, DEP spokesman Neil Shrader stated in a news release. The revisions also were drafted to improve data management of drilling operations in a more transparent manner. "These amendments reflect a balance between meeting the needs of the industry and the needs of public health and the environment, all while enabling drilling to proceed," DEP Secretary John Quigley said. Previous amendments to the rules would ban the use of on-site wastewater pits, except for those used at conventional well sites, and restrict the use of typically larger, centralized impoundments or dams for storing drilling water. The new rules are expected to be in place in spring 2016. Centralized impoundments hold millions of gallons of water and are used to supply more than one drilling pad in certain areas. A DEP file review performed by *Observer-Reporter* staff last year at the department's Southwest Regional Office in Pittsburgh showed that all of Southpointe-based Range Resources' nine centralized impoundments in Washington County experienced problems after they were put into operation. Some of the leaks resulted in Range being fined \$4.5 million by the DEP. Patrick Greuter, executive director of the Citizens for Coalfield Justice environmental group in Washington, said he was glad to hear the DEP planned to make its Marcellus Shale records more transparent to the public. Greuter said the new rules don't go far enough, though, to protect the environment. "Some of the open-air impoundments and pits are going to be better regulated," Greuter said. The impoundments, however, are banned in other states, he said. "We've seen time and time again that even if they're modern impoundments, they look better, but they still leak," Greuter said.

ASSOCIATED PRESS (Pa.)

Federal hearings on proposed stream protection rule set for Pittsburgh, five other locations
CHARLESTON, W.Va. — Federal regulators plan to hold public hearings in six states on a proposed stream protection rule. The U.S. Office of Surface Mining and Reclamation says the proposed rule overhauls a set of regulations that are three decades old. Under the proposal, coal companies would be required to avoid mining practices that destroy drinking water sources, permanently pollute streams, threaten forests and increase flood risk. Companies also would be required to restore streams and return mined areas to their previous uses and form. The Pittsburgh hearing is set for Sept. 10. The others are: Sept. 1 in Denver; Sept. 3 in Lexington, Ky.; Sept. 10 in St. Louis; Sept. 15 in Big Stone Gap, Va.; and Sept. 17 in Charleston, W.Va.

WASHINGTON, D.C.

WASHINGTON POST

Wind energy is flowing into DC, but don't expect your bill to decrease District officials announced Wednesday that the city is now receiving enough electricity from wind power to meet one-third of the local government's electricity needs under a deal that took effect Aug. 1. The deal, with the Spanish energy company Iberdrola Renewables, supplies city facilities with 125,000 megawatt hours of electricity annually from a wind farm in Pennsylvania, officials said. Although officials said the power surge promises to save the city government as much as \$45 million on its electric bills over the next 20 years, they also said it will have no impact on residential customers' monthly utility bills. The power flows only to government facilities, unlike in some other towns and cities across the country, where local utilities are advancing opportunities for private properties to go green. "I don't think there is any impact on individual electricity bills," D.C. Mayor Muriel E. Bowser (D) said Wednesday at a news conference promoting the deal. Nor will the agreement create much in the way of District jobs, because the Iberdrola wind farm is elsewhere. But, Bowser said, the energy agreement "reduces our carbon footprint by removing roughly 100 tons of carbon pollution. And that is 17 percent of our total government emissions — the equivalent of taking 125,000 cars off the road." The deal with Iberdrola, which city officials said represents the largest power-purchase agreement that a single American city has undertaken, will allow the District to purchase all of the wind energy produced by Iberdrola's wind farm at a fixed rate through 2036... On Wednesday, Tommy Wells, director of the newly renamed Department of Energy and the Environment, said the city was on track to outfit 130 low-income homes with solar panels by the end of September.

EPA administrator visits Colorado spill site WASHINGTON — The head of the Environmental Protection Agency toured the sludge-coated banks of Colorado's Animas River on Wednesday, as the Obama administration sought to limit the environmental and political damage from last week's 3-million gallon toxic waste spill — one caused in part by the agency's own contractors. EPA Administrator Gina McCarthy ordered a temporary halt to the agency's cleanup at the Gold King mine and several similar sites after traveling to the region to pledge a thorough investigation into an accident she has called "tragic and unfortunate." "It is a heartbreaking situation," Ms. McCarthy said at a news conference in Durango, Colo., about 48 miles downstream from the site of the Aug. 5 spill. "We are going to be transparent and collaborative in making sure people have the information they need." The regulatory agency has been criticized for its response to the spill, which began as crews were investigating leaks from a toxic waste pond in the inactive gold mine north of Durango. An earthen barrier gave way, sending toxic wastewater into the Animas, turning the river bright orange-yellow for miles. Ms. McCarthy met with Colorado's Democratic Gov. John Hickenlooper and Sen. Michael Bennet, D-Colo., to coordinate responses to the spill. "The good news," she said, "is the river seems to be restoring itself." The EPA confirmed in a statement that new water-quality tests showed contaminant levels in the Animas near Durango had subsided to "pre-event conditions."

Editorial: Redistricting reform in Maryland and Virginia: Can the states join forces?

DEMOCRATIC LEGISLATIVE leaders in Maryland issued rote rejections of Gov. Larry Hogan's (R) utterly sensible proposal for congressional redistricting reform last week. In doing so, they were reading from a script that could have been prepared for them by Republican legislative leaders in Richmond, whose equally knee-jerk dismissal of Gov. Terry McAuliffe's (D) efforts have doomed redistricting reform efforts in Virginia.

Letter: Nature vs. nurture in the back yard Regarding Sarah Baker's Aug. 9 Outlook essay, "Sorry, neighbors. I refuse to mow my 'nuisance' lawn": Why can't Ms. Baker find a third way between her extreme practice and that of her neighbors? When my upwind neighbor lets her weeds run rampant, seeds drift onto my property, where they produce a lot of extra work. It is a nuisance, as Ms. Baker's downwind neighbors must surely agree. There's a difference between a wild yard and a "naturalized" one. In the latter, a mix of perennials is grown instead of turf, which requires carefully selected plantings, proper spacing and grouping, plus a good deal of cultivation — more work maybe than an ordinary lawn. It isn't true, as Ms. Baker argued, that lawns are incompatible with wildlife. I get good results without a lot of fertilizer or extra water. My yard is friendly to insects, which attract birds. Robins flourish on conventional lawns, where they browse for food. Hawks love lawns, where prey have no cover. My garden, with a mix of turf, shrubs, trees, etc., is an agreeable place for much wildlife. There's no need to choose between nature and nurture. A balance exists, if we make an effort to find it. I can play God in my little corner of the cosmos and still be a friend to nature. If she made that effort, Ms. Baker might get along better with her neighbors.

WASHINGTON CITY PAPER

Blog: Bowser Announces Wind-Power Deal, Rebranding of DDOE A light breeze and sunny sky offered a fitting backdrop to the roof of the Frank D. Reeves Municipal Center Wednesday morning, where Mayor Muriel Bowser made public a deal between the District and energy company Iberdrola Renewables, the biggest U.S. municipal agreement of its kind. For the next 20 years, Iberdrola will supply 35 percent of the D.C. government's electricity with power generated at the company's wind farm in Fayette County, Pa. The agreement is expected to save taxpayers \$40 million over that period, and remove approximately 100,000 tons of carbon pollution from the air. That's the equivalent of taking 18,000 cars off the road every year, the mayor said. The District aims to cut greenhouse-gas emissions by 50 percent by 2032, she added. "D.C. doesn't deny the facts or science," Bowser said. "We know that climate change is real, and we know that climate change is now... We want to show the rest of the country what's possible." The agreement was brokered by the District Department of General Services, which manages the city's portfolio of government buildings, including public schools, agency offices, and recreation centers, among others. Mark Chambers, associate director of sustainability and energy at DGS, said all that property amounts to roughly 30 million square feet of space. He added that the city received more than 30 project-proposals as part of a larger effort to buy efficient energy supply.

MY FOX NEWS -DC

TOXIC TRAIL? Army to close much of popular path next to old military landfill SILVER SPRING, Md. - Some people who live in Silver Spring are upset because a large portion of a popular trail is being temporarily closed as part of an environmental restoration project. The Army, which controls a section of the Ireland Trail, says the ground and water have been contaminated by an old landfill on the Fort Detrick Annex property. Starting in January, they

will fence off about 40 percent of the trail to restore the area. The community says the Army is exaggerating the risk because it is just afraid of toxicity lawsuits. "So what they have done, in an excess of caution, they have invented exotic scenarios in which a person would burrow down in the soil, find an old test tube, suck on it, lie down in broken glass, get injured – and here's the key part of the sentence – sue them. Because what they really care about is lawsuits," said resident Steven Rosen. The medical waste is from the Army's own landfill, which is right next to the trail. People who use the trail every day have banded together in a group called "Save Our Ireland Trail." They do not want the trail closed off, even temporarily. "If we thought it was a health hazard, rather than a health benefit, we'd be the first to be against it. We're for it because it's good for us. This is a 60-year-old problem, not a new one," said resident Dennis Gallagher. "It takes the prettiest part of the trail, which includes historic bridges, historic picnic houses. It's just gorgeous. Plus, they're going to cut off the stream," said resident Barbara Schubert. In a statement, the Army said its decision "best ensures that risk levels associated with the stream remain at or below the acceptable levels." The Army insists the trail will reopen when the environment has been restored, but not everyone believes that. "We're going to see this fence for the rest of our lives, our children's lives and our grandchildren's lives. This trail, which has been used for 200 years, is going to be closed to the public forever," said Rosen. An Army spokeswoman says work on the trail will take several years.

DELAWARE

DELAWARE CAPE GAZETTE

Male sea turtle found dead in Rehoboth Rehoboth Beach — A sad sight drew a large crowd at Rehoboth Beach Aug. 10 when a full-grown, dead loggerhead sea turtle washed ashore. Suzanne Thurman, executive director of the Marine Education, Research & Rehabilitation Institute, said the sighting was one of four dead loggerheads found on Delaware shores between Aug. 8 and Aug. 10. All four turtles were killed in accidents due to human impact: Two died from propeller injuries, one was a suspected dredge interaction and the one found on Rehoboth Beach suffered abrasions indicating some type of fisheries-related injuries, she said. "A cluster like that is most likely attributable to the wave action from the recent nor'easter," Thurman said, adding that the turtles are often long dead by the time they reach shore. Loggerhead sea turtles are the most commonly sighted species in Delaware waters, Thurman said. The turtle found at Rehoboth was estimated to be about 30 years old, she said, was a mature male and weighed more than 400 pounds. Loggerheads can live to be about 65 years old, she said. Most loggerhead strandings are sighted in September and October, Thurman said, as the turtles ramp up their feeding before heading to warmer waters. In an average year, the MERR Institute sees about 50 stranded or deceased loggerheads. So far, there have been at least 20.

WEST VIRGINIA

CHARLESTON GAZETTE-MAIL

Judge rules against Fola on mining pollution In a new ruling that found water pollution violations at two West Virginia permits, a federal judge on Wednesday cited what he described as "myriad lines of evidence" that mountaintop removal coal mining damages water quality and aquatic life in Appalachian streams. U.S. District Judge Robert C. Chambers ruled for the Ohio Valley Environmental Coalition and other groups in case brought over conductivity pollution at Fola Coal mining permits in Clay and Nicholas counties. The judge found that Fola, a CONSOL Energy subsidiary, was liable for damage to streams at two of the three permits that were named in the suit. In a 60-page ruling, Chambers detailed a long list of peer-reviewed studies that link pollution discharges from large-scale strip-mining operations to damage to aquatic life in downstream waterways, and noted a "complete absence of peer-reviewed scientific articles to the contrary." "The scientific community repeatedly reaches and reports the same conclusion despite the use of multiple methodologies relying on a variety of datasets and conducted by a range of expert scientists," the judge wrote. "The link between surface mining and biological impairment of downstream waters has been sufficiently -- if not definitively -- established in the scientific literature," Chambers wrote. "Through myriad lines of evidence, researchers have reached the same general causation conclusion, without a single peer-reviewed publication reporting contrary findings."

Editorial: Chemical spill clean-up offers "flushing" lessons Long after the smell of licorice dissipated from last year's Elk River chemical spill, the incident is providing valuable lessons for researchers studying how best to recover from such events. A recent study points to the Kanawha Valley incident as an indication that there's much to learn about the best way to respond to water contamination in household plumbing. "In light of recent large-scale drinking water contamination incidents as well as economic, social, and public health impacts they caused, additional research on premise plumbing decontamination is very much needed," said the study, which was reported on by the Gazette-Mail's Ken Ward Jr. After the do-not-use order was lifted here, residents were told to "flush" their water systems before resuming use. The recommendation: run hot faucets for 15 minutes and cold faucets for five minutes. No instructions were given regarding ventilation during the flushing process. Many residents reported a strong licorice smell as they ran their faucets, and some suffered adverse health effects from the fumes. The study found a wide disparity in approaches to flushing after water-contamination incidents around the world, with little hard data underpinning any approach. Because so little is known about optimal flushing methods, the study recommended that flushing "be conducted liberally where multiple cycles of flushing are carried out rather than a single flushing event." The Kanawha Valley's experience is both a wake-up call to water experts that more research on water decontamination is needed, and a useful data point for that research. Nobody wants to be a "test case" for studies on environmental disasters. But inevitably, some communities will find themselves in that position. That's where we found ourselves last January. The chemical spill was a traumatic event for our area, and its repercussions are still being felt. Apparently, one small positive point coming out of the disaster is a better understanding of how best to handle water contamination in homes and businesses — plus a call for further research. It's sadly inevitable that elsewhere in the world, similar events will happen again. Here's hoping our experience will help officials be better informed in helping people cope.

Blog: Mining's toxic legacy: The same old story *In this Thursday, Aug. 6, 2015 file photo, people kayak in the Animas River near Durango, Colo., in water colored yellow from a*

mine waste spill. (Jerry McBride/The Durango Herald via AP, FILE) The photos just keep coming from the terrible gold-mine waste spill into the Animas River in Colorado, and as more information continues to come out, the story sounds worse and worse. The Denver Post [reports](#): The EPA on Monday expanded its response to the Animas River mining disaster, delivering bottled water in Colorado, New Mexico and Navajo Country and testing for contaminants as far as Lake Powell. The acidic heavy metals that flooded into Cement Creek and the Animas in southwestern Colorado — including arsenic, lead, copper and cadmium — initially broke state water quality limits, based on data the Environmental Protection Agency has released... Environmental Protection Agency Administrator Gina McCarthy apologized Tuesday for a mine spill in Colorado that her agency caused last week and planned to travel to the area Wednesday, amid increasing criticism from lawmakers about the EPA's response. Ms. McCarthy said at a news conference in Washington that she was still learning about what happened, responding to a question about whether the EPA was reviewing changes in how it cleans up old mines. "I don't have a complete understanding of anything that went on in there," she said. "If there is something that went wrong, we want to make sure it never goes wrong again." One thing that's troubling, of course, is the inability of public agencies like EPA to really give the public what it needs — sound information. From the Denver paper's [report](#): ... Five days after an EPA crew triggered the Gold King mine blowout, EPA regional chief Shaun McGrath still could not give an assessment of potential harm to people. The spread of toxic heavy metals was such that authorities will block access to the Animas at least until Aug. 17 while the EPA develops "risk-screening criteria" and data show that water has returned to "pre-event conditions," McGrath said. While it appears EPA has provided some data on water sampling, here's what the Post also reported: EPA officials declined to discuss contamination levels. Colorado health and mining officials, who are supporting the EPA, declined to provide requested information or discuss the contamination. Sound familiar to anyone who lived through the water crisis that followed the January chemical spill at Freedom Industries here in West Virginia's Kanawha Valley? See [here](#), [here](#) and [here](#) if you've forgotten how hard it was to get straight answers.

[Blankenship proposes splitting trial](#) Lawyers for Don Blankenship on Wednesday urged a federal judge to consider splitting up the former Massey Energy CEO's criminal trial so that a charge alleging a conspiracy to violate mine safety laws would be heard separately from charges of lying to securities regulators and investors. Blankenship's defense team argued that if U.S. District Judge Irene Berger allows prosecutors to present evidence about the Upper Big Branch Mine Disaster she must "sever" the trial to avoid "extreme prejudice" that would be created if such evidence were admitted as part of a trial on the mine safety conspiracy charge. In a six-page court filing signed by Blankenship lawyer Eric Delinsky, the defense team said the combination of mine disaster details and the allegation of conspiring to violate safety rules "would imply that Mr. Blankenship is responsible for the explosion and the 29 deaths that resulted." "The suggestion that Mr. Blankenship is responsible for 29 miners' deaths would create a serious risk that the jury could not make a reliable judgment about Mr. Blankenship's guilt or innocence" with respect to the mine safety conspiracy charge, Delinsky said. Prosecutors have not yet had the opportunity respond to Blankenship's new motion, which was filed late Tuesday afternoon in U.S. District Court in Beckley. The new maneuver by Blankenship's lawyers comes as prosecutors and defense attorneys await a ruling by Berger on their arguments over what -- if any --

evidence about the April 5, 2010, explosion at Upper Big Branch would be allowed as evidence in the trial, currently scheduled to start on Oct. 1 in Charleston.

DEP to assist county with recycling issues The state Department of Environmental Protection plans to assist the Kanawha County Solid Waste Authority in its efforts to redevelop its recycling program. DEP Environmental Advocate Wendy Radcliff said the agency is looking at its discretionary funds "to see if there's any opportunities that we can be able to assist the county in receiving, purchasing equipment or doing what needs to be done on site to get an adequate program up and running." "We see this as a kind of an emergency need because of the way that the county and the situation that the county was left in," Radcliff said. Kanawha County's recycling program has been left in the lurch since last year when George Hunyadi, owner of West Virginia Recycling Services, bailed on a joint agreement to operate the Slack Street recycling center. Hunyadi took most of the equipment with him and the building has since been torn down. Dropoff recycling continues at the site, but Kanawha County and municipalities like Charleston that have relied on the facility have been transporting recyclables to Raleigh County Solid Waste Authority. DEP Secretary Randy Huffman said the county's past challenges with operating a recycling program will have to be overcome. "We were concerned about allocating state resources to an entity that has historically not been managed very well," Huffman said. "We have a commitment that they're going to change how they do business." Huffman said the assistance could be as much as \$500,000. James Young, director of the Kanawha County Solid Waste Authority, said he plans to present a proposal to DEP at the authority's meeting on Tuesday. The solid waste authority has developed a five-year business plan for the pending new facility at DEP's request, and Young said the proposal outlines what the agency might ask for.

Blog: The Utica Shale: Big deal or big hype? Earlier this summer, Gazette-Mail business writer Andrew Brown produced a detailed look at how West Virginia's oil and gas industry uses partition lawsuits to assemble the mineral rights it wants to pursue natural gas drilling in the Marcellus Shale region. Now, Andrew has spent some time examining the recent hype over the Utica Shale and provides us with this guest blog post: Based on reports, one can be forgiven for believing that West Virginia is about to witness an immediate surge in gas exploration in the state's northern counties. Over the past month, coverage of the gas industry has been fueled by a new study by West Virginia University that suggests the state may be sitting above another one of the world's largest gas reserves – the Utica shale, a formation located several thousand feet below the now well-known Marcellus. When the study was unveiled in Canonsburg, Pa., on July 14, numerous stories were written that played up the Utica's potential and the possibility of the formation overtaking the Marcellus as the primary target of gas companies.

Capito, Indian ambassador tour WV company POCA, W.Va. - Sen. Shelley Moore Capito, R-W.Va., welcomed India's deputy ambassador to the United States to West Virginia on Wednesday in hopes of strengthening the relationship between the Mountain State and the world's second most populous country. Capito and Ambassador Taranjit Singh Sandhu, the deputy chief of mission from the Indian Embassy, spent the afternoon touring Poca-based Kanawha Scales and Systems, a company that specializes in the weighing and automation industry. The two walked together while asking representatives of the company questions about their equipment and their exports. James Freeman, Kanawha Scales and Systems' chief financial

officer, told Capito and Sandhu how the company began as one that was largely focused on the weighing industry in coal and chemicals, specifically in the United States. But over time, Freeman said, with the coal industry struggling in recent years, the company has had to diversify its portfolio and begin working on new forms of technology and expanding its presence around the world. "The international market is a very important part of our growth," he said. The stop at the local company was one of many Sandhu made Wednesday. He also met with the West Virginia Chamber of Commerce, the state development office, state health officer Rahul Gupta and Gov. Earl Ray Tomblin.

WEST VIRGINIA STATE JOURNAL

PSC expects lower gas utility bills in WV this winter Following an initial review of recent "Purchased Gas Adjustment" cases, the state Public Service Commission said West Virginia residents might be able to expect lower gas utility bills this winter. Natural gas utilities that serve 99.7 percent of the natural gas customers operating in the state have filed requests with the PSC to lower the purchased gas portion of their rates, the commission stated Aug. 12. Mountaineer Gas Co. has asked for a decrease of \$1.255 per Mcf, or nearly 20 percent. Typical Mountaineer Gas residential customers who use an average of 7 Mcf per month would see their monthly bills decrease by \$8.79. Dominion Hope Gas has requested a decrease of \$1.94 per Mcf, or 41.5 percent; Bluefield Gas has requested a decrease of \$2.198 per Mcf, or 33.8 percent; and Peoples Gas has requested a decrease of \$2.33, or 41.1 percent. The gas rates customers pay are adjusted annually to account for the cost of gas in a process called a Purchased Gas Adjustment (PGA) proceeding before the Commission. The PGA is an estimate of expected prices utilities will have to pay for gas from their suppliers for the period of Nov. 1 through Oct. 31 of the following year, as well as a "true up" of actual costs for the previous year. The commission also clarified the PGA does not include any profit for the utility.

WEST VIRGINIA PUBLIC BROADCASTING

Former Coal Miner Offers Educational Guidance to Those Laid Off (Audio link) On West Virginia Morning, David Greene, a former coal miner from Boone County, has written a book that offers guidance to coal miners who are looking to education as a tool for new opportunities. Glynis Board has the story on West Virginia Morning from West Virginia Public Broadcasting – telling West Virginia's story.

Forced Pooling Bill to be Reconsidered by the W. Va. Legislature (Audio link) On West Virginia Morning, Ashton Marra reports on a bill to allow gas companies to force mineral owners to sell their gas rights. The bill failed on a tie vote in the house during the final night of the legislative session earlier this year. The story on West Virginia Morning from West Virginia Public Broadcasting – telling West Virginia's stor

WHEELING INTELLIGENCER

Letter: Obama lacks good reasons to end coal So Obama again is making his semi-annual pitch to close more coal-fired power plants. Big hairy deal. If he could give us real good reasons for the United States to reduce its coal-fired power generation, while China and India are opening new coal-fired generating plants almost daily, he might get some kind of audience. And if he could show us where all this new alternative generating capacity is coming from, he might have a winner. But until he is able to do either or both, he's whistling in the wind. Should his

proposals get approved, your electric bill would skyrocket. Remember, practically all electricity used in the Tri-State area comes from coal-fired plants, and, whether you believe it or not, your local rates for electricity are comparably low. Under Obama's proposals, there will be an immediate end to low-cost, coal-fired generation, with a concomitant excessively high increase in the dollars coming out of your pocket. I cannot afford that. Can you?

ASSOCIATED PRESS (W. Va.)

Hearings set in 6 states on proposed stream protection rule CHARLESTON, W.Va. – Federal regulators plan to hold public hearings in six states on a proposed stream protection rule. The U.S. Office of Surface Mining and Reclamation says the proposed rule overhauls a set of regulations that are three decades old. Under the proposal, coal companies would be required to avoid mining practices that destroy drinking water sources, permanently pollute streams, threaten forests and increase flood risk. Companies also would be required to restore streams and return mined areas to their previous uses and form. The first hearing is set for Sept. 1 in Denver. Other hearings are scheduled Sept. 3 in Lexington, Kentucky; Sept. 10 in Pittsburgh and St. Louis; Sept. 15 in Big Stone Gap, Virginia; and Sept. 17 in Charleston, West Virginia.

West Nile Virus detected in mosquitoes in Kanawha County CHARLESTON, W.Va. - West Virginia's top health officer says the West Nile Virus has been detected in mosquitoes in Kanawha County. Bureau for Public Health executive director Dr. Rahal Gupta says no humans have tested positive for the virus. Gupta says the virus was detected in mosquitoes in two different parts of the county. He says hundreds of mosquito traps are monitored statewide. Gupta advises residents to remove standing water in tires, pots, unused swimming pools and other areas that can become breeding grounds for mosquitoes. He also urges residents heading into wooded areas to use insect repellants and wear protective clothing such as hats and long sleeves.

Rubberlite proposes center at Huntington brownfield site HUNTINGTON, W.Va. - Rubberlite has proposed building a research, development and light manufacturing center at a brownfield site in Huntington. The Herald-Dispatch reports that Rubberlite President Alan Letton provided details of the proposal to the Huntington Municipal Development Authority on Tuesday. Letton asked the authority to buy the 27-acre site along the Ohio River. Brownfield properties are sites that can be redeveloped but have potential environmental issues. Under the proposal, the authority would buy the land and establish a public trust where it retains ownership and management of the property. Marshall University would buy the required equipment. The purchases would qualify for federal funding. Letton says Rubberlite would assume the risk of making the center a success. The company also would invest in Marshall's engineering program.

MARYLAND

BALTIMORE SUN

Conowingo Dam fish-lift overhaul urged to restore Susquehanna's shad, eels Federal wildlife officials are calling for Exelon Corp. to overhaul its fish lifts at Conowingo Dam, arguing it's the only way to revive the Susquehanna River's depleted stocks of the iconic American shad, eels and other once-important fish. In comments submitted to the Federal Energy Regulatory

Commission, the U.S. Fish and Wildlife Service recommended the lifts be rebuilt and enlarged as a condition of renewing Exelon's license to generate hydroelectric power at Conowingo. The service also wants the power company to help more eels get upriver — by truck for now. Rebuilding the dam's fish lifts could cost millions of dollars. Exelon is reviewing the wildlife service's prescription for improving fish passage, said Robert Judge, a spokesman for the Chicago-based parent of Baltimore Gas and Electric. The service's proposal comes after years of negotiations between Exelon and officials from Maryland, Pennsylvania and federal agencies over the dam's relicensing, which has been hung up in part by debates over how to deal with a buildup behind the dam of bay-fouling sediment and nutrient pollution washed down the river. The company's license to operate Conowingo expired last year, but the federal commission has extended the permit while the parties attempt to work out their differences over the sediment buildup, fish passage and other issues. "We've reached a crucial period," said Genevieve LaRouche, supervisor of the wildlife service's Chesapeake Bay field office. "It's a 46-year license. It's kind of a once-in-a-lifetime opportunity to do something."

TOWSON TIMES

Construction expected on 'Nature Trail for All' A decades-long dream for Cromwell Valley Park might be realized next year. Construction is expected to begin within the next three to six months on The Nature Trail for All, a handicapped-accessible trail for people with limited visual, auditory and mobility capacity in the park. Alan Lake, vice president of the Cromwell Valley Park Council and chair of its building and grounds committee, has been spearheading the project. Lake, a pediatrician and Glen Arm resident, called The Nature Trail for All "a unique program" that consists of an approximately one-half mile trail and five educational kiosks. The project is estimated to cost more than \$600,000, with \$185,000 paying for construction of the trail and the balance for the kiosks. Lake expects the project to be built in stages, starting with the trail and then, as funding becomes available, the kiosks. "The current trails do not lend themselves to the handicapped," Lake said of the 16 miles of existing hiking trails in the 426-acre Baltimore County park. "The idea is to extend the benefits of the park to everyone."

BALTIMORE MAGAZINE

Canton Waterfront is Baltimore's First Organic Park Saturday festival celebrates three-year transformation led by the City Recreation and Parks Department. Three years ago, the State House grounds in Annapolis began a transformation that ultimately led to Maryland's capital becoming the first in the nation to have its lawns successfully managed with organic care. Now, the Canton Waterfront Park has followed suit as Baltimore's first organically managed municipal park, and the City's Sustainability Commission and Recreation and Parks Department, partnering with the Maryland Pesticide Education Network, are highlighting the achievement—it's also been a three-year process—with a celebration this Saturday afternoon. The free event this weekend from 1 p.m.-4 p.m. includes activities for kids, sports, information booths staffed by local environmental groups, kayaking and canoeing, as well as giveaway garden plants and presentations from city officials involved with the project. We may assume parks and green spaces are natural, healthy places. But this is not always so. Pesticides, some of which are known endocrine disruptors, are still used to maintain green lawns and keep weeds and bugs from recreational areas and public grounds. "It's been a goal of the Baltimore City Sustainability Commission and the Recreation and Parks Department to reduce pesticide use," says Ruth Berlin, executive director of the Maryland Pesticide Education Network. "The Canton

Waterfront Park was the right size—manageable for the project—and it’s also right on the harbor, which matters in terms of keeping pesticides out of the Chesapeake Bay. And it’s used by a lot of people and families. It was a perfect test for use as a model.”

CHESAPEAKE BAY JOURNAL

Somerset County, MD, considering tighter zoning regulations for poultry houses Commission rejects residents’ request for moratorium on building larger houses. The Somerset County Planning Commission is considering tighter zoning regulations for poultry houses, but has rejected both a moratorium on building proposed new houses that are much larger than current poultry houses and a health ordinance that would have allowed prosecution for violations as some neighbors had requested. The commission has been studying its zoning ordinance for the better part of a year, since residents along the Backbone Road corridor complained about the size of the poultry houses being built in Princess Anne and the way they are being integrated into a rural, residential neighborhood. Within three miles of Backbone Road, 50 large chicken houses have already been built, and more than 67 are in various stages of permitting and construction throughout the county. Many of these chicken houses are large buildings on lots as small as 10 acres, each designed to accommodate 20,000 birds per six-week cycle. After several public meetings, the Somerset County Planning Commission told the commissioners it was considering the following changes to the zoning ordinances:

FREDERICK NEWS-POST

Green Gardens, Clean Water As a homeowner, are you doing your part to help clean up the Chesapeake Bay? “What,” you ask, “Do I have to do with the Chesapeake Bay?” Surprisingly, the answer is plenty! Never feel that in the large picture, you are insignificant. If every small property owner made an effort to stop rainwater run-off from his own property, the total results would be huge! Penn State recently introduced a new directive called Green Gardens, Clean Water. The name, was not immediately self-explanatory to me. After exploring several of their webinars on rain gardens, rain barrels, and riparian buffers, my conclusion is the title is telling us that in order to protect our drinking water and clean up our lakes and rivers, we need more green gardens. Pollution of our water is a major threat today. People, including members of the Chesapeake Bay Foundation, have been warning us that the Chesapeake Bay has huge dead zones, which will no longer support aquatic life. The problem is certainly not just limited to the Chesapeake Bay. In other parts of the country, deep-sea fishermen have to go farther and farther into the ocean before they can find fish. What is causing the problem? Of course, there are many causes, but private landowners, as a group, play a major role. Nutrients, especially phosphorus and nitrogen wash off lawns, pastures, crop fields, and orchards and dump into the nearest waterway. The extra nutrients feed vast amounts of algae, which eventually die, depleting the water of oxygen. Many lawn and garden care products contain chemicals that are toxic to fish and other aquatic life. Always check the label before using. Just because you don’t live on a lake or river doesn’t mean it is safe for you to use. The answer to bringing life back to our water centers on stopping the flow of nutrients and toxins from entering the streams. The key is to temporarily stop and hold the water, then filter and clean it as it seeps through the soil. How do we do that? Well, here are three easy answers...Rain Gardens, Rain Barrels, Riparian Buffers.

VIRGINIA

LEESBURG TODAY

Comments Sought on Reducing Pollutants That Go Into The Bay Loudoun County's Stormwater Management Program is seeking public comments on a draft plan for reducing pollutants entering the Chesapeake Bay. The plan outlines ways that the county can reduce the quantity of nitrogen, phosphorus and sediment entering the bay via the county's municipal separate storm sewer system. The draft of the document and an overview are posted at loudoun.gov/stormwater for review and public comment. Comments will be taken through Sept. 7, and can be sent by email to stormwater@loudoun.gov; by voicemail at the Stormwater Hotline, 703-777-0117; or by U.S. mail to: Stormwater Section – TMDL Action Plan Comments, Loudoun County Department of General Services, PO Box 7100, Leesburg, VA 20177.

MISCELLANEOUS

NPR

EPA Criticized For Slow Response To Wastewater Spill In Colorado (audio link) The Environmental Protection Agency and multiple western states are dealing with the spill into Colorado's Animas River. It was triggered by a crew of EPA contractors working at the Gold King Mine.

EPA MID-ATLANTIC HEALTHY WATERS BLOG

Federal Appeals Court Removes Major Obstacle to Dow Herbicide Enlist Duo A federal appeals court grants a major victory to Dow AgroSciences when it rules that the company can continue to sell its new herbicide, Enlist Duo, while a legal challenge works its way through the courts. A three-judge panel in the U.S. Court of Appeals for the Ninth Circuit denies the request of environmental groups challenging the EPA's approval of Enlist Duo. The groups had asked the court to block the sale of the weed killer while their case was being heard. The panel did not provide a detailed explanation for why it rejected the plaintiffs' request to stay the EPA's approval decision.

BNA DAILY ENVIRONMENT REPORT

Pennsylvania Issues Final Draft Rule on Oil, Gas Wells The Pennsylvania Department of Environmental Protection issues its most recent draft of a final rulemaking for oil and gas wells, deleting provisions on noise control and centralized wastewater storage tanks and promising to begin a new round of rulemaking immediately. "This is not the end of the process of ensuring responsible drilling in Pennsylvania," DEP Secretary John Quigley says. "Given the time frame it takes to get a regulation enacted, it's clear to us that we need to begin immediately on developing the next set of regulatory proposals."

McCarthy Says Colorado Mining Spill Halts EPA Work at Similar Sites The EPA's regional offices will immediately halt field investigations at mines with tailings facilities in the aftermath of the 3-million-gallon release of toxic mine waste in southwest Colorado, EPA Administrator

McCarthy says. "While we continue to investigate the root causes of last week's release of mining waste at the Gold King Mine in Colorado, we are instructing our regions to immediately cease any field investigation work at mines including tailings facilities, unless there is imminent risk in a specific case," McCarthy says at a briefing in Durango, Colo. The spill occurred Aug. 5 when EPA contractors investigating contamination leaking from the mine excavated loose material that had collapsed into a cave entry at the Gold King Mine near Silverton, Colo. The material gave way, opening a mine tunnel and spilling more than 3 million gallons of toxic waste and sludge into Upper Cement Creek.

CNN

EPA chief says agency 'takes full responsibility' for Animas River spill The EPA "takes full responsibility" for the spill of 3 million gallons of wastewater into the Animas River in Colorado, EPA Administrator Gina McCarthy said Wednesday. McCarthy said the EPA will investigate and seek an independent review of the spill, though she offered no details. "We are going to be fully accountable for this in a transparent way," she said at a press conference. "The EPA takes full responsibility for this incident. No agency could be more upset." When asked if the EPA will investigate itself as vigorously as it would a private company, McCarthy said, "We will hold ourselves to a higher standard than anybody else." The EPA said the spill occurred August 5 when one of its teams was using heavy equipment to enter the Gold King Mine, a suspended mine north of Durango. Instead of entering the mine and beginning the process of pumping and treating the contaminated water inside as planned, the team accidentally caused it to flow into the nearby Animas and downstream to other states.

By the numbers: The massive toll of the Animas River spill The environmental crew had one job: pump out and treat contaminated water at the Gold King Mine in southern Colorado. Instead, when the workers for the Environmental Protection Agency used heavy equipment to enter the defunct mine on August 5, 2015, a leak sprung. A massive one. the EPA has taken full responsibility and announced it was temporarily ceasing work at other mines to avoid a repeat. Water tainted with heavy metal gushed from Gold King into the nearby Animas River, turning it a solid mustard color. It flowed downstream for dozens of miles crossing state lines. It made life miserable for thousands who depend on the river water. Here is the toll the spill has taken told by the numbers.

3 million. The number of gallons of heavy metal filled wastewater the U.S. Geological Survey says spilled into the Animas River. That's about 60,000 bathtubs full. The bright discoloration was an obvious flag that something was awry in the river. But the EPA was sluggish with information in the aftermath, as residents worried about possible damage to their health, and businesses on the river shut down.

12,000. That's how many times higher than normal the level of lead was in one water sample tested from the Animas River shortly after the spill. Lead poisoning is tricky, because at low levels, it can be hard to detect. It can slow down child development and cause learning disabilities, the Mayo Clinic says. Lead is just one of the many heavy metals released, and it's not the deadliest. The wastewater also contained extremely high levels of arsenic, cadmium, beryllium and mercury. It also contained zinc, iron and copper.

GREENWIRE

AIR POLLUTION: 17 states launch legal assault against startup-shutdown rule Seventeen states are challenging U.S. EPA's recent rule that changed the way states are required to address excess air pollution that occurs during plant startups and shutdowns or industrial equipment malfunctions. In a petition for review, the states argue that EPA "erroneously concluded" that their plans to reduce pollution were "inadequate" to address emissions that occur during those times. Led by Florida, the states filed the petition yesterday in the U.S. Court of Appeals for the District of Columbia Circuit. "We will not step aside while the EPA, through heavy-handed federal overreach, threatens to upend a system that the EPA has approved multiple times and has provided a consistent, reliable framework to safely provide electricity to millions of Floridians across the state," Florida Attorney General Pam Bondi said in a statement. "Furthermore, the agency's action could result in higher utility bills for Florida consumers." EPA's final rule published in June rescinded long-standing state provisions known as "affirmative defense" that shield industrial facilities from civil penalties for violations of National Ambient Air Quality Standards that occur during startups, shutdowns and malfunctions. The final rule also found that states cannot automatically exempt facilities from emission limits during those times. EPA required that 36 states reopen Clean Air Act state implementation plans, or SIPs, and revise them within 18 months to comply with the changes. The rule arose out of a petition by the Sierra Club, which has long argued that affirmative defense and exemptions during "SSM" events constitute a loophole that allows facilities to release emissions in excess of permit limits. EPA has said the decision to eliminate affirmative defense from state plans was also in response to a ruling last year by the D.C. Circuit that found the agency lacked authority to grant cement kilns an affirmative defense for pollution violations occurring during malfunctions.

U.S. Catholic organizations consider divestment from fossil fuels In the wake of Pope Francis' call to save the planet from climate change, some U.S. Catholic organizations are beginning to re-evaluate their investment portfolios. "We know that technology based on the use of highly polluting fossil fuels -- especially coal, but also oil and, to a lesser degree, gas -- needs to be progressively replaced without delay," wrote Francis in his June encyclical. However, some of the largest American Catholic dioceses and universities have millions of dollars invested in energy companies through portfolios to pay clergy salaries and fund operations. The Archdiocese of Chicago, the country's third most populous, told Reuters it would examine its more than \$100 million worth of fossil fuel investments. "We are beginning to evaluate the implications of the encyclical across multiple areas, including investments and also including areas such as energy usage and building materials," wrote Betsy Bohlen, chief operating officer for the archdiocese, in an email. The Archdiocese of Chicago is led by one of the few bishops appointed so far by Francis in the United States, Blase Cupich. The country's other dioceses are led by men appointed by Francis' more conservative predecessors. "You now have this clash between Pope Francis' vision of the world and the world that the bishops who run the investments live in," said Michael Crosby, a Capuchin friar in Milwaukee who advocates socially responsible investing in the church.

FEMA projects often ignore global warming When a natural disaster strikes, the Federal Emergency Management Agency responds with funding to aid the recovery. But as disasters become more frequent and more severe due to climate change, FEMA's response relies on the status quo, seemingly ignoring the impacts and risks of global warming. A look at FEMA programs finds they often fail to consider observed and predicted rising sea levels, more severe

weather and other climate change risks when deciding what to fund. For example, FEMA's Public Assistance program offers incentives for communities to replace damaged infrastructure with similar structures, not more resilient ones. That was the case in Sharon, Vt., where the Fay Brook Bridge was overwhelmed by flooding after Tropical Storm Irene in 2011. The bridge, which is on the route to the Central Vermont Medical Center, collapsed and forced emergency vehicles to add as many as 12 miles to their trips. But FEMA would fund replacing the bridge only if the new structure was nearly identical to the old one -- a practice one Sharon official said made the region "sitting ducks for the next big flood event." There are also contradictory federal policies on how to mitigate climate change, leaving millions of dollars in federal aid to go unspent on the Louisiana coast in the decade following Hurricane Katrina. FEMA also spends very little funding to help communities prepare for disasters before they hit. In Manitou Springs, Colo., a 2012 wildfire damaged the town's draining system, leaving it vulnerable to flooding. FEMA would not fund replacing or upgrading the system until after devastating floods destroyed it and damaged homes and businesses in 2013.

CLEAN POWER PLAN: Bipartisan Policy's Grumet says McConnell strategy on EPA plan 'disappointing' Is U.S. EPA's final Clean Power Plan legally vulnerable because it is seen by many as a significant departure from the agency's proposed rule? During today's OnPoint, Jason Grumet, president of the Bipartisan Policy Center, discusses the biggest winners and losers following last week's release of the plan and talks about his organization's next steps for engaging states on crafting compliance mechanisms. [Click here](#) to watch today's OnPoint.

PESTICIDES: Court rejects enviro bid to stay herbicide registration The 9th U.S. Circuit Court of Appeals yesterday denied a request from environmentalists to stay the registrations of Enlist Duo, a controversial herbicide recently approved for use in 15 states. The court also struck down a petition from the herbicide's maker, Dow AgroSciences LLC, to transfer the case to the U.S. Circuit Court of Appeals for the District of Columbia. The Natural Resources Defense Council and a separate coalition of environmental groups initially sued U.S. EPA in October to force the agency to review its decision approving Enlist Duo in six states. The groups again filed suit in April after EPA extended the registration to nine more states ([Greenwire](#), April 21). The motion responded to a number of procedural requests from both sides, said Aaron Colangelo, a senior attorney with NRDC. The court also set an expedited briefing and oral argument schedule, which -- if the circuit judges rule in favor of environmental groups -- could prevent the sale of Enlist Duo for the 2016 growing season, thus leading to the same result as a stay on the registrations. "If the case is briefed this fall, the court could decide it this winter or next spring," he said.

ASSOCIATED PRESS

Experts see long-term risks from Colorado mine spill DURANGO, Colo. (AP) - Toxic waste that gushed from a Colorado mine and threatened downstream water supplies in at least three states will continue to be dangerous when contaminated sediment gets stirred up from the river bottom, authorities said Wednesday, suggesting there is no easy fix to what could be a long-term public health risk. The immediate impact of the 3 million gallon spill on Aug. 5 eased as the plume of contamination dissipated on its way to Lake Powell along the Utah-Arizona border. But the strong dose of arsenic, cadmium, lead and other heavy metals settled out as the wastewater traveled downstream, layering river bottoms with contaminants sure to pose risks in the future. "There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow, it will stir

it up and it will be moving those contaminants downstream." The U.S. Environmental Protection Agency had pushed for 25 years to grant Superfund status to the partly collapsed Gold King mine and other idled mines leaking heavy metals above the old mining town of Silverton, Colorado. That would have brought in major funds for a comprehensive cleanup.

Keystone XL review drags on 5 times longer than average WASHINGTON (AP) — For six and a half years, the White House has had a quick comeback to questions about its yet-to-be-announced decision on the proposed Keystone XL pipeline: Talk to the State Department. Under a George W. Bush-era executive order, oil pipelines crossing U.S. borders require a presidential permit, setting off a government-wide review that the State Department coordinates. President Barack Obama, in no rush to anger either environmentalists or energy advocates, has deflected criticism about the long-delayed decision by arguing that his administration is merely carrying out his Republican predecessor's directive in the ordinary way. But an Associated Press review of every cross-border pipeline application since 2004 shows that the Keystone review has been anything but ordinary. Since April 2004, when Bush signed his order, the federal government has taken an average of 478 days to give a yes or no to all other applications — less than a year and a half. The company hoping to build Keystone has been waiting for a decision for nearly 7 years — or more than five times the average.

NEW YORK TIMES

After Colorado Waste Spill, EPA Halts Field Investigations DENVER — After a contractor for the Environmental Protection Agency accidentally caused a mine to burst during a field investigation — releasing more than three million gallons of toxic waste — the agency's top official said Wednesday that she had halted all similar investigations until further notice. "It is just an opportunity for us to screen, to make sure that there is no potential for a release like this in another situation," said Gina McCarthy, the E.P.A. administrator, at a news conference in Durango, Colo., about 50 miles south of the Gold King mine, where the accident took place. There are an estimated 23,000 abandoned mines in Colorado, according to the state's department of natural resources, and about 500,000 around the country, according to the federal government. The E.P.A. did not say how many mines are currently the subject of field investigations. The company that was working for the E.P.A. at the Gold King mine was identified by The Wall Street Journal as Environmental Restoration LLC of Fenton, Mo., which identifies itself on its website as a provider of hazardous waste management and removal. A company secretary said late Wednesday that no one was available to comment. The E.P.A. is seeking an independent review of the cause of the spill, Ms. McCarthy said. "It is a heartbreaking situation for E.P.A.," she added, saying that the agency would be "transparent and collaborative in making sure people have the information they need." The spill occurred on Aug. 5, when the contractors were examining the Gold King, an abandoned mine owned by Todd C. Hennis of San Juan Corp. As workers using heavy machinery knocked away debris, a surprise onslaught of orange-yellow water poured out. The spill prompted Utah, Colorado, New Mexico and the Navajo Nation to declare states of emergency. Levels of arsenic, lead and other metals rose in the areas south of the mine, though E.P.A. officials said Wednesday that tests indicated that in places where the toxic plume had already passed the water was returning to the levels of toxicity it had before the accident. Officials have not determined what health risks, if any, the spill poses. On Wednesday, the attorneys general of Colorado, New Mexico and Utah met in Durango to discuss a course of action. Through a spokesman, Colorado's attorney general, Cynthia H. Coffman, said a lawsuit

against the E.P.A. is a possibility. But the spokesman, Roger Hudson, added that “litigation is not our first choice.”

Editorial: What the Gold Mine Disaster Tells Us The General Mining Law of 1872 is among the last surviving statutes of the boisterous era of westward expansion. Signed by Ulysses S. Grant, it establishes the basic rules for mining hard-rock minerals like gold, copper and uranium on public lands. Useful in its day, the law is a destructive relic now. It allows mining companies to buy federal land for a few dollars an acre, demands no royalties and requires minimal environmental protections while the mine is operating and no cleanup afterward. Its principal legacy, if it can be called that, is a battered landscape of abandoned mines and poisoned streams. The durability of this law, which has resisted all efforts at reform, is worth noting in the wake of a terrible mining-related disaster. On Aug. 5, a team contracted by the Environmental Protection Agency to investigate leaks from an abandoned gold mine in Colorado accidentally unleashed a torrent of chemically laced water. The spill of more than three million gallons has poisoned over 100 miles of the Animas River with toxic wastes, turning the river a bright yellow-orange and threatening communities in Colorado, New Mexico, Utah and the Navajo Nation that draw water from the river and its tributaries. But beyond this local disaster lies a national problem: According to Earthworks, a Washington-based advocacy group, there are 500,000 of these abandoned and unreclaimed mines scattered about the country. According to the E.P.A., the drainage from these mines has contaminated roughly 40 percent of the headwater areas of Western watersheds.

On Nature: Rescuing Wildlife Is Futile, and Necessary In a plastic dishpan on Judith Wakelam’s kitchen table, six huge, dark eyes gaze up at me from a huddle of pale-fringed faces and dusty black feathers, bladelike wings projecting outward at a variety of unlikely angles. These are baby common swifts, insectivorous birds so exquisitely aerial that they eat, sleep and mate on the wing and spend the first two or three years of their lives migrating between Europe and Africa in continuous flight. Airborne swifts are renowned for their speed and grace, but the birds in front of me resemble a cross between subway mice and a pile of unexpectedly animate kindling. Their clawed feet are so tiny that they cannot walk, only shuffle, and their wings so long that they cannot take off from flat surfaces; should youngsters crash-land on the ground after leaving the nest, they’re as doomed as fish out of water. Wakelam, a gentle and deliberate woman with silver hair cut in a practical bob, lifts one nestling up and sets it upon a tissue-covered towel. Plucking a defrosted black cricket out of a bowl, she touches it to the tip of a tiny beak, which opens into a pink maw that swallows the tip of her finger. The cricket disappears down the bird’s throat. Another follows. Wakelam frowns with concentration but feeds the bird with a calm assurance gained from long experience. Back in 2002, she spotted what she thought was a pile of feathers by the curbside while walking her dog. It was a swift chick. She brought it home. Numerous experts told her that as it would be too difficult to raise, it would die. “And of course it didn’t,” she said. “It survived. But it was a steep learning curve.”